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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/086,072 | |
| | Filing Date | February 27, 2002 | |
| | First Named Inventor | Laurie DeLeve | |
| | Art Unit | 1617 | |
| | Examiner Name | Sharareh, Shahnamj | |
| Total Number of Pages in This Submission | 6 | Attorney Docket Number | 13761-7065 |

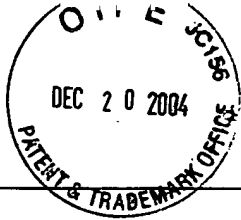
| ENCLOSURES (check all that apply) | | | | |
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| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Forms PTO/SB/08A & B, 2 cited references, Search Report dated 13 September 2002 and Return Receipt Postcard | | |
| <table border="1"><tr><td>Remarks</td><td></td></tr></table> | | | Remarks | |
| Remarks | | | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|---|
| Firm or Individual name | Bingham McCutchen LLP Antoinette F. Konski |
| Signature | <i>Antoinette F. Konski</i> |
| Date | December 15, 2004 |

| CERTIFICATE OF MAILING | | | |
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| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | | |
| Typed or printed name | Peggy Nichols | | |
| Signature | <i>Peggy Nichols</i> | Date | December 15, 2004 |

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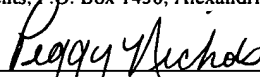


PATENT
Docket No. 13761-7065

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Dated: December 14, 2004


Peggy Nichols

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Laurie DeLeve

Serial No.: 10/086,072

Filing Date: February 27, 2002

For: Composition and Method for Preventing
and Treating Sinusoidal Obstruction
Syndrome and Radiation-Induced Liver
Disease

Examiner: Sharareh, Shahnamj

Group Art Unit: 1617

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached forms PTO/SB/08A & B are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. The Examiner is requested to make these documents of record.

I. Timing of the Information Disclosure Statement:

This Information Disclosure Statement is filed:

- ☐ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☐ Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.
- ☒ Before the mailing date of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-2518 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

This Information Disclosure Statement is filed:

- ☐ After the first Office Action and more than three months after the application's filing date; or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first. A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

This Information Disclosure Statement is filed:

- ☐ After the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$180.00) set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the Information Disclosure Statement.

The undersigned certifies that:

- ☐ Each item of information contained in the Information Disclosure Statement was first cited in any communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

II. Copies of the Cited Items:

- ☒ Copies of all of the items listed on the attached Forms PTO/SB/08a & b are enclosed.
- ☐ Copies of only the following items listed on the attached Form PTO/SB/08a & PTO/SB/08b are enclosed:
- ☐ Copies of all other items not listed above and listed in the attached Form PTO/SB/08a is not supplied in accordance with 37 CFR 1.98(a)(2).
- ☐ Copies of those items which are marked with an asterisk (**) in the attached Form PTO/SB/08 were cited in a foreign examination report in a related case.

III. Concise Explanation of Relevance:

- ☒ A concise explanation of relevance of the items listed on Forms PTO/SB/08a &b is not given.
- ☐ A concise explanation of relevance of [some of] the items listed on Form PTO/SB/08 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references (copy attached).

IV. Related Applications:

- ☐ Applicants bring to the Office's attention the following related, co-pending application(s):

V. Conclusion:

Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO/SB/08 with initials or other appropriate marks. The Commissioner is hereby authorized to charge Deposit Account No. 50-2518, billing reference number: 2013761-7000692001 for any additional fees required in connection with the filing of this Information Disclosure Statement.

Respectfully submitted,

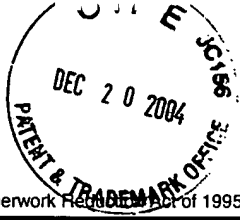
Dated: December 14, 2004

By:



Antoinette F. Konski
Registration No. 34,202

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Three Embarcadero Center, Suite 1800
San Francisco, California 94111-4067
Telephone: (650) 849-4950
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PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

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Application Number

10/086,072

Filing Date

February 27, 2002

First Named Inventor

Laurie DeLeve

Art Unit

1617

Examiner Name

Sharareh, Shahnamj

Attorney Docket Number

13761-7065

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YY | Name of Patentee or Application of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|-----------------------|--------------------------|--|------------------------------|--|---|
| | | Number – Kind Code ² (if known) | | | |
| | 1 | US-6,025,353 | 02-15-00 | Masferrer, et al. | |
| | 2 | US- | | | |
| | 3 | US- | | | |
| | 4 | US- | | | |
| | 5 | US- | | | |
| | 6 | US- | | | |
| | 7 | US- | | | |
| | 8 | US- | | | |
| | 9 | US- | | | |
| | 10 | US- | | | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YY | Name of Patentee or Application of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
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| | | Country Code ³ – Number ⁴ – Kind Code ⁵ (if known) | | | | |
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Examiner's
SignatureDate
Considered

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Sheet

1

of

1

Complete if Known

Application Number

10/086,072

Filing Date

February 27, 2002

First Named Inventor

Laurie DeLeve

Art Unit

1617

Examiner Name

Sharareh, Shahnamj

Attorney Docket Number

13761-7065

NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher city and/or country where published | T ² |
|-----------------------|--------------------------|---|----------------|
| | 1 | LISTON, T. E., et al., "Granulomatous Hepatitis and Necrotizing Splenitis Due to <i>Bartonella henselae</i> in a Patient with Cancer: Case Report and Review of Hepatosplenic Manifestations of Bartonella Infection" (1996) <i>Clinical Infectious Diseases</i> 22:951-957 | |
| | 2 | International Search Report dated 13 September 2002 | |
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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